

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.D.C., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KATINA WILLIAMS,

Respondent-Appellant,

and

BRIAN CARPENTER,

Respondent.

UNPUBLISHED

September 20, 2002

No. 240126

Cass Circuit Court

Family Division

LC No. 01-000218-NA

Before: Whitbeck, C.J. and Sawyer and Kelly, JJ.

PER CURIAM.

Respondent Katina Williams appeals as of right the order terminating her parental rights to her son. We affirm. Respondent Brian Carpenter has not appealed.

Respondent was charged with neglect after she was arrested on a weapons charge, instigated by a conflict over the child. Respondent entered a plea to an amended petition, and agreed to a parent-agency treatment plan involving evaluation, classes, and regular visitation. Respondent failed to comply with the plan, was arrested again, and served time in jail. A petition for termination of parental rights was filed alleging in part that respondent failed to provide proper care and custody of the child. After a hearing, respondent's parental rights were terminated.

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.*, 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.*, 356.

The petition alleged that respondent failed to provide proper care and custody. MCL 712A.19b(3)(g) provides for termination when

The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent did not comply with the terms of the parent/agency agreement, and there was no indication that she could provide proper care for the child. Although respondent argues that she should have been given more time, she presented no evidence of developing any parenting skills that would enable her to provide proper care and custody of the child within a reasonable time. There was no basis for delaying the proceedings.

There is no showing that termination would not be in the best interests of the child. No evidence was presented that would show a bond existed between respondent and the child. In contrast, there was evidence that the child was happy and doing well in foster care. The court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ Kirsten Frank Kelly